

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land Acquisition – East Godavari District – Acquisition of land to an extent of Ac.104.01 in Sy.No.402 etc., of Velugubanda Village, Rajanagaram Mandal, East Godavari District for establishment of Industrial Park by A.P. Industrial Infrastructure Corporation – De-notification of lands under section 48(1) of Land Acquisition Act - Orders- Issued.

INDUSTRIES & COMMERCE (INF) DEPARTMENT

G.O.Ms.No. 105

Dated:07-07-2012,  
Read the following:

1. From Collector, East Godavari District Lr.No.G5/2972/2005, dated.09.05.2011.
2. From the Collector, East Godavari District Lr.No.G5/2972/2005, dated. 22.09.2011 along with withdrawal notification (Ref:SDC/LA/APIIC/SRI.4/2/2006, dt. .8.2011).
- 3.From the VC & MD, APIIC Lr.No.19381/Lands/A1/APIIC/2004, dt.04.06.2011 and 11.08.2011.
- 4.From the Special Chief Secretary to Government and Chief Commissioner of Land Administration, A.P. Hyderabad CCLA's Lr.No.G2/1765/2011, dt.03.01.2012.
5. From the Revenue (LA)Dept. U.O.No.1952/LA(A1)/2012-1, dated 12.1.2012.

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O R D E R:

In the references 1<sup>st</sup> and 2<sup>nd</sup> read above, the Collector, East Godavari District has reported that lands measuring an extent of Ac.104.01 in Sy.No.402/1B, etc., of Velugubanda Village, Rajanagaram Mandal, East Godavari District were proposed for establishment of Industrial Park by A.P. Industrial Infrastructure Corporation (APIIC) and Draft Notification was published by the District Collector, East Godavari District under Section 4(1) of Land Acquisition Act on 26.09.2006. Farmers in the village filed W.P.No.3823/2007 challenging the notification in the Hon'ble High Court. The Hon'ble High Court in its order dated 02.06.2010 while dismissing the W.P. directed that it is left open to the petitioners to urge all other grounds in the enquiry under Section 5-A of the Land Acquisition Act. Accordingly enquiry was conducted U/s. 5-A of Land Acquisition Act, 1894 and upon hearing the objections raised by the ryots and the report of the Spl. Deputy Collector, APIIC, the Collector has proposed to withdraw the land from acquisition specified in Draft Notification, as the lands proposed for acquisition are more suitable and useful for cultivation of crops than proposing for Industrial development, in view of fertility of the lands and availability of irrigation sources and also the farmers are small and marginal and requested Government to issue necessary orders for withdrawal of land acquisition and to de-notify the subject land which was proposed for establishment of industrial park by APIIC. He has furnished the withdrawal notification.

2. In the reference 3<sup>rd</sup> read above, the Vice Chairman & Managing Director, A.P. Industrial Infrastructure Corporation (APIIC) has reported that the A.P. Industrial Infrastructure Corporation (APIIC) has filed requisition proposals with the District Collector, East Godavari on 19.04.2005 for acquisition of Acs.112.96 of Patta land in Sy.No.402 etc., of Velugubanda village of Rajanagaram Mandal for establishment of Industrial Park on 19.04.2005. The Draft Notification U/s. 4(1) has been approved by the District Collector for an extent of acs.104.01 only and published in District Gazette and news papers as per L.A. Act procedure. At this juncture, the land owners have filed a Writ Petition No.3823/2007 against the acquisition and the Hon'ble High Court while dismissing the Writ Petition directed the petitioners to urge all other grounds in the enquiry U/s 5-A of LA Act. In 5-A enquiry the ryots stated that they are small and marginal farmers and cultivating the subject lands under the Chagalnadu Lift irrigation scheme and requested deletion from land acquisition proceedings. Based on the objections raised by the ryots of Velugubanda, the District Collector, East Godavari District has passed orders not to initiate any further Land Acquisition proceedings and instructed the Special Deputy Collector(LA), A.P. Industrial Infrastructure Corporation (APIIC), Kakinada to submit withdrawal proposals for subject lands on 8.3.2011. As per orders passed by the District Collector, East Godavari, the Special Deputy Collector(LA), A.P. Industrial Infrastructure Corporation Ltd., Visakhapatnam Camp Office at Kakinada has submitted the withdrawal proposals and requested for de-notification.

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3. The Vice Chairman & Managing Director, A.P. Industrial Infrastructure Corporation has further reported that the issue was placed before the Board of APIIC in its 186<sup>th</sup> meeting held on 7.5.2011 and ratified the action taken by the Special Deputy Collector, A.P. Industrial Infrastructure Corporation, Visakhapatnam, Camp Office at Kakinada in submission of withdrawal proposals for approval & de-notification for subject lands with the District Collector, East Godavari and requested the Govt. to approve the withdrawal proposals for de-notification of Acs.104.01 of Patta land in Velugubanda village of Rajanagaram Mandal, East Godavari District under Section 48 of LA Act, for which Draft Notification notified on 26.09.2006 and also requested to issue orders in the matter.

4. The Special Chief Secretary to Govt. and Chief Commissioner of Land Administration in the reference 4<sup>th</sup> read above while forwarding the proposal of the Collector, East Godavari District, the Chief Commissioner of Land Administration has stated that, under section 48(1) of Land Acquisition Act speaks that "except in the case provided for section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken". The Commissioner, Land Affairs has opined that, "the record doesn't disclose that the possession of proposed land was taken" and further reported that in the circumstances narrated in the letter of District Collector for de-notification of lands, there is no legal impediment in submitting proposals to Government to accord permission as sought by the Collector and requested the Government to issue necessary orders in the matter.

5. Government after careful examination of the matter in detail hereby accord approval to the proposal of the District Collector, East Godavari and accordingly decided to withdraw the Land Acquisition proceedings and hereby de-notify the land to an extent of Acres. 104.01 in Sy.Nos. 402/1B, 405/1B, 405/2, 403/1, 407/1, 404, 409/1, 410/1A, 410/2B, 411, 412, 413/1, 413/2, 413/3, 414, 416, 417/2, 418/1, 418/2, 425/2, 427/2, 429/2, 430, 431, 433/1A, 1B, 433/4A1, 433/1A, 1B, 433/4A, 434, 435/1B, 437, 438, 444/1, 445/2A, 1A, 445/2A2 in Velugubanda Village of Rajanagaram Mandal, East Godavari District from acquisition under section 48(1) of Land Acquisition Act, 1894.

6. The Special Chief Secretary to Govt. & Chief Commissioner of Land Administration, Hyderabad/ the District Collector, East Godavari District shall take necessary further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**K. PRADEEP CHANDRA,**  
PRINCIPAL SECRETARY TO GOVERNMENT AND  
COMMISSIONER FOR INDUSTRIAL PROMOTION

To

The Spl.Chief Secretary & Chief Commissioner of Land Administration, Hyderabad.

The Collector, East Godavari District.

The Vice Chairman & Managing Director, APIIC, Hyderabad.

The Special Grade Deputy Collector (LA), APIIC, Visakhapatnam Camp Office at Kakinada.

The Zonal Manager, A.P. Industrial Infrastructure Corporation, Kakinada.

The Commissioner of Industries, A.P. Hyderabad.

Copy to Law Department.

Copy to Revenue (LA) Department.

Copy to P.S. Secretary to Chief Minister.

Copy to P.S. to Minister (Major Industries, Sugar, Com. & Exp. Promotion)

Copy to P.S.to Minister (Revenue)

Sf/Sc

//Forwarded:: By order//

SECTION OFFICER